

Article XI. Initiative and Referendum

Sec. 11.01. General authority.

- (1) Initiative. The qualified voters of the town shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election.
- (2) Referendum. The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election.

Sec. 11.02. Petition for enactment of ordinances.

Voters of the town may at any time propose the enactment of any lawful ordinance by filing a petition stating the complete text of such ordinance, and signed by a number of qualified voters of the town totaling not less than 10% of the number of qualified voters of the town who cast votes in the previous gubernatorial election with the town clerk. The council shall call a public hearing in the manner prescribed in section 2.14, subsection 2, but to be held within 30 days from the date of the filing of such petition with the town clerk, and shall within 60 days after said public hearing hold a special town election for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the election, such ordinance shall be enacted by the council in the manner prescribed for ordinances in general. Such ordinance shall take effect in the same manner as ordinances of the same kind adopted by the council, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by an attorney for the town before it is submitted to the voters. The attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clarity and precision in its phraseology, but he/she shall not materially change its meaning and effect. (Amended by vote of the people 10-4-94; amended by vote of the people 11-7-2000; amended by vote of the people 6-11-02)

Sec. 11.02(1). Repeat petitions.

Any proposed ordinance, failing enactment by referendum vote may be the subject of a subsequent petition, which, if brought within two years next following the failed vote, shall be governed by the provisions of Section 11.02, except the referendum vote must be held at the next regular election specified in Article X, Sec. 10.01., or at any intervening special election called for any purpose other than the petition itself, provided the petition is filed with the town clerk at least 90 days prior to the date of such election. (Added by vote of the people 6-9-98)

Sec. 11.03. Petition for overrule of action of council.

If, within 30 days after the enactment of any ordinance, a petition signed by a number of qualified voters of the town totaling not less than 10% of the number of qualified voters of the town who cast votes in the previous gubernatorial election is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing as provided in section 2.14, subsection 2, but to be held within 30 days from the date of the filing of such petition with the town clerk, and shall within 14 days after said public hearing call a special town election for the purpose of submitting to a referendum vote the question of repealing such ordinance. Pending action by the voters of the town, the referred ordinance shall be suspended upon receipt of the petition by the town clerk until it has received a vote of the majority of the

legal votes cast on said question. (Amended by vote of the people 10-4-94: amended by vote of the people 11-7-2000; amended by vote of the people 6-11-02)

Sec. 11.04. Form of ballot.

The form of the ballot for the proposed ordinance (or repeal of ordinance) shall be substantially as follows: Shall the proposed ordinance (or repeal of ordinance) a copy of which is printed herein or attached hereto, be adopted (or repealed)? Yes _____ No _____ (The voters shall indicate by a cross or check mark placed in box under the words YES or NO their opinion of the same.)